

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AMERICAN GENERAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

SHARON BUSHMAN, et al.

Defendants.

No. 1:22-cv-01167-ADA-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
GRANTING PLAINTIFF'S MOTION FOR  
DEFAULT JUDGMENT

(ECF Nos. 25, 29)

Plaintiff American General Life Insurance Company ("Plaintiff") brings this action in interpleader against Defendants Sharon Bushman, Heather Litz, and Micklos Lemons (collectively "Defendants"). Currently before the Court is Plaintiff's unopposed motion for default judgment.<sup>1</sup> (ECF No. 25.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned Magistrate Judge issued findings and recommendations, recommending that Plaintiff's motion for default judgment be granted. (ECF No. 29.) Therein, the Court gave notice that any objections to the findings and recommendations were to be filed within fourteen days of service. (*Id.* at 21.) No objections to the findings and recommendations were filed and the time to

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<sup>1</sup> The motion for default judgment was unopposed by defaulting Defendants Bushman and Litz. Defendant Lemons, who has appeared in this action, stipulated to Plaintiff's motion.

do so has expired.

According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations entered on May 25, 2023, (ECF No. 29), are ADOPTED IN FULL.

2. Plaintiff American General Life Insurance Company's motion for default judgment, (ECF No. 25), is GRANTED, as follows:

- a. Plaintiff American General Life Insurance Company's claim for interpleader is GRANTED;
- b. Default judgment is ENTERED in favor of Plaintiff American General Life Insurance Company against Defendants Heather K. Litz and Sharon Bushman;
- c. Defendants are ENJOINED and RESTRAINED from initiating or prosecuting further any proceeding, at law or in equity, against Plaintiff or its affiliates and agents arising out of or relating to Plaintiff's payment of the remaining payments due under the Annuity (No. 199934) in accordance with this order;
- d. Plaintiff and its affiliates and agents are fully and finally DISCHARGED from any further liability relating to the Annuity payments beyond making payments as contemplated by this order;
- e. Plaintiff is DIRECTED to pay the remaining Annuity payments to Defendant Micklos Lemons (via his court-appointed conservator, the Fresno County Public Guardian) or his estate or any designated beneficiary/ies, if Micklos dies before disbursement of the final payment (*i.e.*, before September 15, 2032);
- f. Plaintiff is AWARDED attorneys' fees and costs in the amount of

1 \$10,000.00, to be withheld from the September 15, 2022, Annuity payment  
2 amount of \$100,000.00, prior to its payment to Micklos, by and through his  
3 court-appointed conservator, Fresno County Public Guardian;

4 g. All claims that could have been asserted against Plaintiff arising out of the  
5 Annuity and/or Annuity payments that are the subject of the instant litigation  
6 are DISMISSED with prejudice; and

7 3. The Court's order is hereby DEEMED a final order under Federal Rule of Civil  
8 Procedure 54(b ).

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11 IT IS SO ORDERED.

12 Dated: August 24, 2023

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UNITED STATES DISTRICT JUDGE